

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14600 of Claire and Seth Rosen, pursuant to Paragraph 8207.11 (3107.2 11 DCMR) of the Zoning Regulations, for variances from the side yard requirements of Section 3305.1 (405, DCMR 11), and from the lot occupancy requirements of Sections of 3301.1 (401.1, DCMR 11), in an R-3 District at premises 1660 - 34th Street, N.W., (Square, N.W., 1291, Lot 218).

HEARING DATE: June 10, 1987
DECISION DATE: July 1, 1987

FINDINGS OF FACT:

1. The site, known as premises 1660 34th Street, N.W., is located on the west side of 34th Street, between Reservoir Road, and Dent Street. The site is located in an R-3 District.
2. The site is irregularly shaped with an average width of 20.45 feet and an area of 2,454 square feet. The site is improved with a two and one half story brick semi-detached dwelling constructed over 100 years ago. The site was originally rectangular in shape with a depth of 120.00 feet. Circa 1940 an adjacent rectangle of land, 23 feet in depth and 18 feet wide, was added to the south of the site 32 feet west of 34th Street. A one story addition was constructed to the rear of the original building and on the new land area. On May 12, 1958 the effective date of the current Zoning Regulation's, the structure became nonconforming regarding side yard setback requirements. The south side yard is three feet wide. The north wall of the structure is adjacent to the neighboring structure.
3. The R-3 District extends in all directions from the site. The neighborhood is developed primarily with row dwellings.
4. Pursuant to Paragraph 8207.11 of the Zoning Regulation's the applicants are seeking variances from the side yard requirements and from the lot occupancy requirements to construct a second story addition above the existing one story addition.
5. A balcony with a width of approximately 11 feet will increase the footprint of the structure by 33 square feet.

6. The structure currently has two bedrooms located on the second floor and a third located on the third floor which is accessed from one of the bedrooms on the second floor.

7. The proposed addition will provide space for reconfiguration of the second floor resulting in two bedrooms, a small laundry room and hallway with steps leading to the third floor bedroom.

8. By letter dated May 14, 1987 Advisory Neighborhood Commission (ANC) 2E reported that it voted on a motion to oppose the application on the grounds that there was insufficient justification for variance relief from the side yard requirements. The vote was indecisive at 3-3-0.

9. Neighbors of the site submitted letters to the record and/or testified in opposition to the application on the grounds that the addition would result in "over crowding" and block air and sunlight from circulating to neighboring property. The Board does not concur. The Board finds that the applicant has demonstrated that the addition will not result in overcrowding and will not unduely block light and air to neighboring property.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the Applicants are seeking area variances the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that, it will not substantially impair the intent, purpose and integrity of the zone plan. Section 3305.1 of the Zoning Regulation's requires a side yard setback of eight feet. The Applicants propose to provide a side yard of three feet requiring a variance of five feet or 62.5 percent. Sub-section 3301.1 allows a lot occupancy of 40 percent, or 981.6 square feet for the site. The addition will exceed the allowable lot occupancy by 33 square feet requiring a variance of 18.2 square feet or 1.85 percent. Paragraph 7105.12 prohibits the addition to a nonconforming structure if the addition increases its nonconformity.

The Board concludes that the Applicants have met the burden of proof. The existing structure is a nonconforming structure and does not now meet the side yard requirements. The proposed third story addition will not encroach further into the side yard. The lot occupancy will be slightly

increased because of the proposed second floor balcony which projects three feet into the rear yard.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 10 of the record.

VOTE:3-1 (Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant; Paula L. Jewell to deny).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: SEP 18 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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